



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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801-538-5340

October 9, 1992

0071

CERTIFIED RETURN RECEIPT REQUESTED
P 074 97 294

Mr. Glen Zumwalt, Vice President
Utah Fuel Company
P.O. Box 719
Helper, Utah 84526

Dear Mr. Zumwalt:

Re: Finalized Assessment for State Violation #N92-37-4-1, Utah Fuel Company,
Skyline Mine, ACT/007/005, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

jbe
Enclosure
cc: Bernie Freeman, OSM, AFO

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Utah Fuel Company/Skyline Mine

NOV #N92-37-4-1

PERMIT # ACT/007/005

VIOLATION 1 of 1

Assessment Date 09/28/92

Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to maintain sediment control devices in area 17.

Date of Termination: 05/21/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>12</u>	<u>10</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>20</u>	<u>20</u>
(4) Good Faith	<u>-10</u>	<u>-10</u>
Total Points	<u>42</u>	<u>40</u>
TOTAL ASSESSED FINE		<u>\$ 600</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

The points previously assigned for damage are reduced due to the lack of any definitive scale of points for damage. The operator made the point that the area which is the subject of this NOV contributed 130 to 140 additional gallons of water to runoff, while the receiving stream was measured around this time at 3.3 million gallons per day.